

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION MAY CONTAIN CONFIDENTIAL OR LEGALLY PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON OR ENTITY NAMED BELOW. If you are not the intended recipient, please do not read, use, disclose, distribute or copy this transmission. If this transmission was received in error, please immediately notify me by telephone directly at (651) 733-3169 or (651) 733-1500, and we will arrange for its return at no cost to you.

RECEIVED

CENTRAL FAX CENTER

**FACSIMILE TRANSMITTAL
COVER SHEET**

Date: May 27, 2004

No. of Pages (including this page): 4

MAY 27 2004
CRITICAL

To: Examiner Patrick Dennis Niland
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

Group Art Unit: 1711

Fax: 703-872-9306

From: Jean A. Lown
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, MN 55133-3427
U.S.A.
Phone: (651) 733-3169
Fax: (651) 736-3833

Application No.: 09/367455
First Named Inventor: Daniels, Michael P.
Title: WET SURFACE ADHESIVES

Case No.: 54642US002

Attachments: Petition to Withdraw Finality of Office Action, duplicate copy of page 2 of petition with
petition fee instructions

RECEIVED
CENTRAL FAX CENTER

32692

Customer Number

MAY 27 2004
OFFICIALPatent
Case No.: 54642US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: DANIELS, MICHAEL P.
Application No.: 09/367455 Group Art Unit: 1711
Filed: March 19, 1999 Examiner: Niland, Patrick Dennis
Title: WET SURFACE ADHESIVES

PETITION TO WITHDRAW FINALITY OF OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

To Fax No.: 703-872-9305

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

May 27, 2004
DateVirginia Bergstrom
Signed by Virginia Bergstrom

Dear Sir:

Applicants petition under 37 C.F.R. § 1.181 for reconsideration of the finality given to an office action for the above reference patent application.

Applicants respectfully submit that the final rejection was premature. The Examiner rejected the claims in the first office action after a Request for Continued Examination was filed. MPEP § 706.7(b) provides that the claims of a new application may be finally rejected in the first office action in situations "where (A) the new application is a continuing application of, or a substitute for, an earlier application and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the Office action if they had been entered in the earlier application."

The Examiner rejected some of the claims based on art that was not of record prior to filing the Request for Continued Examination. More specifically, the Examiner rejected claims 1-6, 8-9, and 11-23 as obvious over the combination of U.S. Patent No. 4,569,960 issued to Blake and U.S. Patent No. 5,787,544 issued to Meade. U.S. Patent No. 5,787,544 was not part of the art of record at the time the Request for Continued Examination was filed.

Further, the claims in the earlier application did not require that the pressure sensitive adhesive be enveloped in a thermoplastic packaging material. All of the independent claims

USSN: 09/367455

Docket No.: 54642US002

were amended when the Request for Continued Examination was filed to include this additional limitation.

Applicants respectfully request a withdrawal of the finality of this Office Action.

Please charge the surcharge provided in 37 CFR § 1.17(h) and if necessary, charge any additional fees, or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also attached.

Respectfully submitted,

May 27, 2004
Date

By: Jean A. Lown
Jean A. Lown, Reg. No.: 48,428
Telephone No.: (651) 733-3169

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833